

**HB5558**



**100TH GENERAL ASSEMBLY**

**State of Illinois**

**2017 and 2018**

**HB5558**

by Rep. Ann M. Williams

**SYNOPSIS AS INTRODUCED:**

405 ILCS 5/2-200

from Ch. 91 1/2, par. 2-200

Amends the Mental Health and Developmental Disabilities Code. Provides that every facility shall also post conspicuously in public areas contact information for the Guardianship and Advocacy Commission and the agency designated by the Governor under the Protection and Advocacy for Persons with Developmental Disabilities Act to administer a State plan to protect and advocate the rights of persons with developmental disabilities in accordance with the requirements of the federal Developmental Disabilities Assistance and Bill of Rights Act.

LRB100 19780 RLC 35055 b

FISCAL NOTE ACT  
MAY APPLY

**A BILL FOR**

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Mental Health and Developmental  
5 Disabilities Code is amended by changing Section 2-200 as  
6 follows:

7 (405 ILCS 5/2-200) (from Ch. 91 1/2, par. 2-200)

8 Sec. 2-200. (a) Upon commencement of services, or as soon  
9 thereafter as the condition of the recipient permits, every  
10 adult recipient, as well as the recipient's guardian or  
11 substitute decision maker, and every recipient who is 12 years  
12 of age or older and the parent or guardian of a minor or person  
13 under guardianship shall be informed orally and in writing of  
14 the rights guaranteed by this Chapter which are relevant to the  
15 nature of the recipient's services program. Every facility  
16 shall also post conspicuously in public areas a summary of the  
17 rights which are relevant to the services delivered by that  
18 facility as well as contact information for the Guardianship  
19 and Advocacy Commission and the agency designated by the  
20 Governor under Section 1 of the Protection and Advocacy for  
21 Persons with Developmental Disabilities Act.

22 (b) A recipient who is 12 years of age or older and the  
23 parent or guardian of a minor or person under guardianship at

1 any time may designate, and upon commencement of services shall  
2 be informed of the right to designate, a person or agency to  
3 receive notice under Section 2-201 or to direct that no  
4 information about the recipient be disclosed to any person or  
5 agency.

6 (c) Upon commencement of services, or as soon thereafter as  
7 the condition of the recipient permits, the facility shall ask  
8 the adult recipient or minor recipient admitted pursuant to  
9 Section 3-502 whether the recipient wants the facility to  
10 contact the recipient's spouse, parents, guardian, close  
11 relatives, friends, attorney, advocate from the Guardianship  
12 and Advocacy Commission or the agency designated by the  
13 Governor under Section 1 of the Protection and Advocacy for  
14 Persons with Developmental Disabilities Act ~~"An Act in relation~~  
15 ~~to the protection and advocacy of the rights of persons with~~  
16 ~~developmental disabilities, and amending Acts therein named",~~  
17 ~~approved September 20, 1985,~~ or others and inform them of the  
18 recipient's presence at the facility. The facility shall by  
19 phone or by mail contact at least two of those people  
20 designated by the recipient and shall inform them of the  
21 recipient's location. If the recipient so requests, the  
22 facility shall also inform them of how to contact the  
23 recipient.

24 (d) Upon commencement of services, or as soon thereafter as  
25 the condition of the recipient permits, the facility shall  
26 advise the recipient as to the circumstances under which the

1 law permits the use of emergency forced medication or  
2 electroconvulsive therapy under subsection (a) of Section  
3 2-107, restraint under Section 2-108, or seclusion under  
4 Section 2-109. At the same time, the facility shall inquire of  
5 the recipient which form of intervention the recipient would  
6 prefer if any of these circumstances should arise. The  
7 recipient's preference shall be noted in the recipient's record  
8 and communicated by the facility to the recipient's guardian or  
9 substitute decision maker, if any, and any other individual  
10 designated by the recipient. If any such circumstances  
11 subsequently do arise, the facility shall give due  
12 consideration to the preferences of the recipient regarding  
13 which form of intervention to use as communicated to the  
14 facility by the recipient or as stated in the recipient's  
15 advance directive.

16 (Source: P.A. 95-172, eff. 8-14-07.)